MR. SPEAKER.—The question is:

"That clause 1, the Preamble and the title do stand part of the Bill."

The motion was adopted.

Clause 1, the Preamble and the Title were added to the Bill.

Motion to Pass.

Sri M. V. RAMA RAO.—Sir, I beg to move:

"That the Provincial Insolvency (Mysore Extension and Amendment) Bill, 1962 be passed."

MR. SPEAKER.—The question is:

"That the Provincial Insolvency (Mysore Extension and Amendment) Bill, 1962, be passed."

The motion was adopted.

MYSORE CIVIL COURTS BILL, 1962.

Motion to Consider.

† Sri M.V. RAMA RAO.—Sir, I beg to move that the Mysore Civil Courts Bill, 1962 be taken into consideration.

MR. SPEAKER.—Motion moved:

"That the Mysore Civil Courts Bill, 1962 be takn into consideration."

Sri M. V. RAMA RAO.—Sir, at present, there are 5 different enactments relating to the Civil Courts in force in the different areas of the Mysore State regulating the coustitution, powers and jurisdiction of the Civil Courts. It is now proposed in this Bill to have a uniform law governing the establishment, constitution, powers and jurisdiction of the Civil Courts and therefore this Bill has been brought forward.

The important features of the Bill are.—

Provision for three classes of Civil Courts subordinate to the High Court, namely.—

(*i*) the Court of the District Judge called the District court;

(*ii*) the Court of the Civil Judge and

(*iii*) the court of the Munsiff;

Provision is made in this Bill for the establishment of a District Court for each district or more than one district and for treating the City of Bangalore as a district.

Provision is also made for the establishment of a Court of a Civil Judge for each district; or for part of a district or for more than one district as may be considered necessary. Provision has been made in the Bill for fixing and verying by the High Court with the approval of the State Government, the number of Civil Judges and Munsiffs to be appointed to the Court of a Civil Judge or Munsiff's Court. There is provision to fix the locality of Courts in consultation with the High Court. The other important points are, conferment of unlimited pecuniary jurisdiction on the Court of a Civil Judge in respect of all original suits and proceedings of a civil nature and provision for conferment of jurisdiction on the Munsiff's Court in respect of all suits and proceedings of a civil nature of which the amount or value of the subject matter does not exceed five thousand rupees and on the recommendation of the High Court, the jurisdiction of any Munsiff's Court may be extended by the State Government to all original suits and proceedings of a civil nature, the value of the subject matter of which does not exceed ten thousand rupees. There are other provisions relating to the hearing of appeals from decress and orders passed by a Munsiff to the District Court; and it is proposed in this Bill that the District Court may transfer such appeals where the subject

(Sri M. V. RAMA RAO)

matter is not of a value exceeding five thousand rupees to the Civil Judge for hearing the appeal. There is also a provision which empowers the High Court to invest any Judge of a Court of Small Causes with powers to hear appeals from such decress and orders of Munsiffs' Courts as may be referred by the District Judge. The Court of Civil Judge may also be invested by the High Court and the court of a Munsiff similarly may be invested with small cause powers not exceeding two thousand rupees in the case of a Court of a Civil Judge and not exceeding five hundred rupees in the case of a Court of a Munsiff. These are the salient features of the Bill, and the provision for treating the Courts of Civil Judges (Senior Division) in the Bombay Area, the Courts of Civil Judges in the Mysore Area ; and the Courts of Subordinate Judges as Courts of Civil Judges; and for treating the Courts of Civil Judges (Junior Division) in the Bombay Area the Courts of District Munsiff's in the Madras Area and the Courts of Munsiff's in the other Areas, as Munsiffs' Courts, has also been made. That is the pattern of the structure of the Law Courts envisaged in this Bill. I commend the Bill for the consideration of the House.

MR. SPEAKER.—I have received notice of a motion under Rule 74 contemplating the reference of this Bill to a Select Committee. I am appraising the House of it.

Sri ANGADI CHANNABASAPPA.—I want to suggest that if there is already a move by the Government that this Bill be referred to a Select Committee, the House may proceed to appoint the Committee without any further discussion.

MR. SPEAKER.—I entirely agree.

*Sri M.R. PATIL. (Hubli).-I would like to say something about section 17 of this Bill. This Bill contemplates the establishment of three Courts under the High Court, one is the District Court, the other is the Civil Judges' Court and the third is the Munsiffs' Court. The District Courts and the Civil Judges' Courts are the Courts of unlimited pecuniary jurisdiction, whereas the jurisdiction of the Munsiffs' Courts, is referred to in clause 17. The main part of Clause 17 says :

> "The jurisdiction of the Munsiff's Court shall extend to all original suits and proceedings of a civil nature, not otherwise excluded from the Munsiff's jurisdiction, of which the amount or value of the subject-matter does not exceed five thousand rupees."

Further, the proviso says :

> "Provided that on the recommendation of the High Court in this behalf, the State Government, may by notification extend the jurisdiction of any Munsiff's Court to all original suits and proceedings of a civil nature, of which the amount or value of the subject matter does not exceed ten thousand rupees."

This clause 17 virtually makes two classes of Munsiffs Courts, viz., Munsiffs' Courts with a pecuniary jurisdiction of five thousand rupees and another class of Munsiffs' Courts with a jurisdiction of ten thousand rupees. Such classification of two Munsiffs' Courts is likely to cause, and as in some cases caused, not only administrative inconvenience but also delays in the disposal of suits. Sir, the higher jurisdiction of ten thousand rupees is generally given to Courts if there are about 100 Munsiffs Courts in the State, it will be about a dozen or 10 Munsiffs' courts with a jurisdiction of ten thousand rupees. Generally, these Courts are presided

(Sri M. R. PATIL)

over by Munsiffs who are senior in the list of Munsiffs. So, such Courts would be few and far between, and when there is a vacancy in the post of a senior Munsiff presiding over ten thousand rupees jurisdiction, such a person is generally due for promotion and when he is transferred and a substitute is to be found in his place, another person who may be far away at a distant place and who is in the list of ten thousand or eleven thousand jurisdiction may be aspiring for this higher post and he will have to be ultimately transferred. Another difficulty is generally this. The senior posts officers who are presiding over the Courts with ten thousand rupees jurisdiction are likely to be promoted as Civil Judges. A Civil Judge when he is once promoted and transferred from that Court, another person who is aspiring for this would be far away and necessarily will have to be placed in the place of vacancy, which is caused by promotion. What happens is, generally on account of these promotions, for every 6 or 4 Munsiffs, there is a transfer in place of these Civil Courts, and when a Judge is likely to be promoted as Civil Judge or likely to be transferred, his attention will not be on suits which are of a complicated nature, and knowing full well that he is likely to be promoted, he will be simply postponing these suits of a complicated nature. Another person who is senior and likely to be promoted, will be placed on this post and he will also be again postponing these matters. Because, senior Pleaders are engaged on both sides, he would not have looked to their disposal and he does so. So, my submission is that the creation of two classes of posts as Munsiffs is likely to create not only administrative difficulty but will cause delays in the disposal of suits. My suggestion is that in view of the inflation in prices, not only of moveable, but immoveable properties—a property which was worth two thousand rupees 40 years before, that is, before the first world war, now it is necessarily worth ten thousand rupees, I do not see why there should not be a pecuniary jurisdiction and why the uniform jurisdiction of ten thousand rupees should not be given to all the Munsiffs.

If this point finds appreciation with the Law Minister, he may take it into consideration while sitting in the Select Committee.

11-30 A. M.

My another suggestion is while considering this point we have also to know that there is serious anomaly or defect in our Court Fee Act which we passed in the year 1958. According to Section 7 of the Court Fee Act, in respect of agricultural lands for which land revenue is payable to the State Government, the valuation for the purpose of court fee is 11½ times the assessment. If we take for instance one acre of land playing an assessment of Rs 2, the valuation for the purpose of court fee will be Rs. 25, whereas the actual market value of this land will be Rs. 500. According to Section 60 of the Court Fees Act and Suit Valuation Act, if it is a suit for possession and declaration of immoveable property which also includes land paying assessment, the valuation for the purpose of court fees is deemed to be valuation for the perpose of Jurisdiction. Now, in respect of land paying assessment to Government, the valuation of such lands for the purposes of court fee may be Rs. 5,000, but according to the market value it may be nearly one lakh of rupees; in the result what has happened is that the munsiffs get Jurisdiction to decide cases relating to agricultural lands the value of which is not less than Rs. one lakh, becuase Court Fee valuation according to section 15 is also deemed to be valuation for the purpose of

(Sri R. M. PATIL)

Jurisdiction. The result has been that the munsiffs who are freshly appointed have to deal with cases of immoveable property involving lakhs and lakhs of rupees. Similarly, it affects the jurisdiction of first appeal and second appeal also. Several representations have been made to me by the Bar Associations whenever I met them. I therefore request the Law Minister to take that factor also into consideration while considering the provisions of Section 17.

†Sri GANJI VEERAPPA (Harihar).— While welcoming this Bill I wish to offer some suggestions so that while this Bill goes to the Select Committee of these suggestions may be considered by them. With regard to Section 16 it is provided that civil judge will have unlimited power and jurisdiction over civil matter and all cases will come within the jurisdiction of the Civil Judge. In Old Mysore area, what has happened is, civil judge court will have pecuniary jurisdiction of Rs. 25,000. Beyond that, suits will have to be filed in the Disirict Judges. Under the Bill, there will be district judge court in every district except of course in some places. In consultation with the High Court, there may be district Judges Courts for more than one district where work may be little. Ordinarily, it is contemplated to establish one district judge court for each district. If that is so, the pattern would be wherever district judge courts are established, there will be a district judge court, civil judge court and as many munsiff courts in the district as the Government in consultation with the High Court deem necessary What happens is, a few civil judge's courts will have unlimited power with regard to civil jurisdiction. Then conflict will arise whether suits of original jurisdiction will have to be filed in the district court or civil judge's court. Wherever pecuniary jurisdiction is more than Rs. 5000 or Rs. 10,000 whichever may be finally agreed upon. So, to avoid this, let the civil judge's courts pecuniary jurisdiction be limited to Rs. 20,000 or Rs. 25,000 so that the unlimited power that is vested in the district judge's courts may not be vested in civil judge's courts also. I think it is necessary to avoid this conflict and restrict the pecuniary jurisdiction of civil judges court. That is one thing I would like to suggest to the Hon'ble Minister for law. With regard to Section 17, it is true that there is an anomaly so far as pecuniary jurisdiction is concerned with regard to Munsiffs, because in the Bombay-Karnatak area, they enjoy a jurisdiction upto Rs. 10,000 whereas in the old Mysore area, it is only Rs. 3,000. Now, what I find it difficult to accept is in Section 17 under the proviso, they have proviced that jurisdiction may be extended in some cases wherever the Government feel it necessary. The Proviso says:

> "Provided that on the recommendation of the High Court in this behalf, the State Government, may by notification, extend the jurisdiction of any munsiff's court to all original suits and proceedings of a civil nature, of which the amount or value of the subject matter does not exceed ten thousand rupees."

It will be varying from court to court in the same State and it will be varying from judge to judge. So, this court of proviso where the Government have reserved the rights to extend jurisdiction of certain courts should not exist. Sri, let there be uniform jurisdiction for all munsiffs throughout the State. After all, if the apprehension seems to be that the Bombay-Karnatak area at present munsiffs are

(Sri GANJI VEERAPPA)

enjoying jurisdiction of Rs. 10,000 and if Rs. 5,000 is fixed here, their jurisdiction is lessened; let that not happen. What I say is let there be uniform fixing or jurisdiction upto Rs. 10,000 whether here or there. I think that is better so that this sort of variation between court and court may not happen. With regard to other matters, I feel the Bill deserves our acceptance because this uniformity was necessary in the same State, in various parts of it different laws prevail at the moment. In fact whenever Munsiffs are transferred to Bellary District, they were called district munsiffs, in Bombay-Karnatak area, they were called joint civil judges or civil judges. This sort of confusion which is now prevailing will be removed by the acceptance of this Bill by the House. We have to welcome this Bill because it maintains uniformity. I think the suggestions I have made with regard to clauses 16 and 17 may be taken into consideration by the Select Committee to which this Bill is going to be referred.

† Sri K. H. RANGANATH (Mudigere).—While welcoming this uniform Bill applicable to the whole of the state, I want to offer a few remarks with regard to the Bill.

Clause 23 empowers the Civil Courts to deal with matters coming under Indian Succession Act, 1925. Under the Indian Succession Act, all proceedings will have to be initiated in the District Sessions Court. A provision is made that every order made by a Civil Judge by virtue of the powers conferred upon him shall be subject to appeal to the High Court or District Court, if the value of the subject matter exceeds or does not exceed Rs. 10,000. The suits that are decided in the Civil Judge's court are below Rs. 10,000, and an appeal would lie to the District Judge and against it to the High Court. So, matters coming within the value of Rs. 10,000 would be subject to scrutiny two times. A regular appeal is there and second appeal is also there. With regard to matters above Rs. 10,000, a regular appeal is there to the High Court. I want to bring to the notice of the Government that aspect and I should say that it is in fact the District Judge's jurisdiction that is going to be transferred to the Civil Judge. This is one aspect. Another aspect is the proviso to clause 20. Against an order of the Munsiff an appeal will be preferred before the District Judge who after scrutiny will transfer the matter to the Civil Judge if he holds that the value of the subject matter is within Rs. 10,000. Excepting the delay involved in this procedure, there is nothing. This aspect also must be considered by the Government. In fact when a suit is filed before the Munsiff Court it will be knowing it and that is a matter coming within the pecuniary limit of Rs. 10,000. Therefore, the proviso may be limited and power to appeal to the Civil Judge's court straightway may kindly be provided here.

I agree with the suggestion made by Sri G. Veerappa with regard to clause 7.

With regard to clause 6, I have a suggestion to make. Let us not have a Civil Judge's court for more than one district. Let us have a Civil Judge's court for every district. If there are small districts where litigations are not more, we may have a District Judge's Court for more than one district. But to have only one Civil Judge's Court is not a good thing. Sub clause (2) of clause 6 is not necessary and the Government may kindly delete this sub-clause.

Clause 23 deals with appellate jurisdiction of the Judge of Court of

(Sri K. H. RANGANATH)

Small Causes. In the Bill it is not stated of what cadre the judges are going to be appointed to these courts. If would be all right if a person of the rank of a Civil Judge is appointed as Judge of the Small Causes Court. The Judge of this court is given power to hear appeals. Supposing a Munsiff is appointed as the Judge of a Small Cause court, if he were to hear the appeals against the orders of the Munsiff, it will not be proper. Therefore, I request the Government to delete this clause or bring an amendment to the effect that the Judge to be appointed to the Small Causes Court should be of the rank of Civil Judge.

Under clause 28 we are providing for having Vacation Judges even in the District and Civil Judges' courts. The number of holidays fixed is 60. As things stand at present large number of litigations are pending in courts. So it would be better if we reduce the number of holidays so that the courts may work for more number of days in an year.

With these remarks I welcome this Bill.

†Sri G.V. GOWDA (Palayam).—Sir, uniform law governing the constitution of Civil Judges Court in the State of Mysore has been long due and I should thank the Hon'ble Minister for having brought before the House this consolidated Bill. I do not know whether by enacting this measure we are going to have all the laws codified. If that is the intention, I welcome this Bill.

So far as the provisions of this Bill are concerned, it has been suggested that if the High Court were to recommend that the jurisdiction of a Munsiff should be enhanced, it could be done. I do not think it would work well. It may be that in the opinion of the High Court that some Munsiffs must be vested with higher jurisdiction which may not be uniform in that respect.

It would have been desirable if the limit had been confined only to Rs. 5,000. It is said that the District Judge may transfer cases to a Civil Judge up to Rs. 5,000. A Munisiff has been invested with power of jurisdiction up to Rs. 3,000. Such being the case a direct appeal should have been provided from the degree of a Munsiff direct to the Civil Judge instead of an appeal to the District Judge and in turn his transferring the case to the Civil Judge.

Even in respect of fixing from time to time or varying by notification the local limits of jurisdiction of any Municipal Court the High Court has been given the absolute power, but suppose the High Court were to vary the local limits of jurisdiction of any District Court or the Court of a Civil Judge. In that case it has to consult Government. While in one case there is no question of consulting Government, in the other Government has to be consulted. I think it would have been nice if it had been left to the discretion of the High Court. I request the Hon'ble Minister to see that these changes are made because as a result of integration the existing Munsiff Courts are not having the same amount of work or area or population. So, a survey has to be made and steps have to be taken to request Government to make the necessary changes and reconstitute the local limits of jurisdiction of the various Municipal Courts. For instance, so far as Kollegal Municipal Court is concerned, it has got jurisdiction of the only over Kollegal Taluk. Three miles from that place we have got Narasipur and the people there have to go to Mysore and some other have to Mandya. In the circumstances I request Government to see that all the Municipal Court, have got

(Sri G. V. GOWDA)

equal jurisdiction in respect of workload, population, area, etc., so that it would be convenient to the litigant public.

Then, Sir, appeals from the Civil Judge are made to like to District Judge up to Rs. 10,000. I submit that the limit should have been raised because the jurisdiction of the Civil Court is unlimited so far as original suits are concerned. Therefore up to an extent of Rs. 20,000 appeals from the order of the Civil Judge should be made to like to the District Judge himself and that would have lessened the work of the High Court.

So far as other matters are concerned, they are most welcome.

With these observations I hope that Government would take immediate steps to see that the jurisdiction of the various courts now in the State are reconstituted to the convenience of the litigant public and the inconsistencies in the workload, population and area of the various Courts are set right.

† ಶ್ರೀ ಶರಣಪ್ಪ (ದೇವದುರ್ಗ).—ಸನ್ಮಾನ್ಯ ಅಧ್ಯಕ್ಷರೇ, ಈಗ ಮೈಸೂರು ಸಿವಿಲ್ ಕೋರ್ಟ್ಸ್ ಬಿಲ್, 1962 ರ ಒಂದು ಯೂನಿಫಾರಂ ಬಿಲ್ಲನ್ನು ತಂದಿದ್ದಕ್ಕಾಗಿ ನಾನು ಸಂಪೂರ್ಣವಾಗಿ ಸಮರ್ಥಿಸುತ್ತೇನೆ. ನಾನು ಕೆಲವೊಂದುವಿಚಾರಗಳನ್ನು ಈ ಸಭೆಯ ಮುಂದೆ ಇಡಲು ಬಯಸುತ್ತೇನೆ. ಈಗ ನಮ್ಮ ಮೈಸೂರು ರಾಜ್ಯದಲ್ಲಿ ಅನೇಕ ಭಾಗಗಳು ಸೇರಿ ಹೈದರಾಬಾದ್, ಮುಂಬೈ, ಹಳೆಯ ಮೈಸೂರು ಮತ್ತು ಕೊಡಗು,—ಇನ್ನೂ ಇತರ ಸ್ಥಳಗಳಲ್ಲಿ ಸಿವಿಲ್ ಕೋರ್ಟ್ ಬಿಲ್ಲಿನ ಬಗ್ಗೆ ಅನೇಕಾನೇಕ ವಿಚಾರಗಳು ಬೇರೆ ಬೇರೆಯಾಗಿವೆ. ಈಗ ನಾನು ಹೇಳಬೇಕಾದರೆ ನಮ್ಮ ಹೈದರಾಬಾದ್ ಕರ್ನಾಟಿಕದಲ್ಲಿ ಕೇವಲ ಮುನಿಸಿಪಲ್ ಕೋರ್ಟಿಗೆ ಎರಡು ಸಾವಿರದ ಮಟ್ಟಿಗೆ ಮಾತ್ರ ಸಿವಿಲ್ ಪವರ್ಸ್ ಕೊಟ್ಟಿದ್ದಾರೆ. ಆದರಿಂದ ಈಗಿನ ಕಾಲಕ್ಕೆ ಅದನ್ನು ವಿಚಾರಮಾಡಿದರೆ 2 ಸಾವಿರ ಅಂತಹ ಒಂದು ಜೂರಿಸ್‌ಡಿಕ್ಷನ್ನಿಗೆ ಬಹಳ ಸ್ವಲ್ಪ ಇದೆ. ಅದರಿಂದ ಅನೇಕ ಜನರಿಗೆ ಪ್ರಾಪರ್ಟಿ ಹೆಚ್ಚಾಗಿದ್ದರೆ ಅದನ್ನು ಚೀಲಕ್ಕೆ ಹಾಕಬೇಕೆಂಬುದೇ ಆವರದೃಷ್ಟಿ. ಆದ್ದರಿಂದ ಮಾನ್ಯ ಮಂತ್ರಿಗಳಿಗೆ ವಿನಂತಿ ಮಾಡಿಕೊಳ್ಳುವುದೇನೆಂದರೆ ಈಗ 5 ಸಾವಿರಕ್ಕೆ ಬದಲು ನನ್ನ ಮಾನ್ಯ ಮಿತ್ರರು ಹೇಳಿದಂತೆ 10 ಸಾವಿರದವರೆಗೂ ಕಾಮನ್ಸಾಗಿ ಒಂದೇ ರೀತಿಯಾಗಿ ಇಡೀ ರಾಜ್ಯದಲ್ಲೆಲ್ಲಾ ಸಿವಿಲ್ ಕೋರ್ಟ್ಸ್ ಅಧಿಕಾರ ಕೊಡಬೇಕೆಂದು ನಾನು ಸಲಹೆ ಮಾಡುತ್ತೇನೆ, ಇದಲ್ಲದೆ ಈ ಮಸೂದೆಯ ಸೆಕ್ಷನ್ 7 ರಲ್ಲಿ "Establishment of Municipal Court" ಎಂಬ ಬಗ್ಗೆ ಒಂದು ಮಾತನ್ನು ಈ ರೀತಿ ಹೇಳಿರುತ್ತಾರೆ.

"There shall be in each district such number of Munsiff's courts as may be fixed by the State Government, in consultation with the High court. Each such court shall be presided over by a Munsiff." ಎಂದು ಯಾವ ರೀತಿ ಒಂದು ಜಿಲ್ಲೆಗೊಂದು ಡಿಸ್ಟ್ರಿಕ್ಟ್ ಕೋರ್ಟನ್ನು ನೇಮಿಸಿದ್ದೀರೋ ಆದೇರೀತಿ ಈ ಕಾಲದ ಪರಿಸ್ಥಿತಿಯನ್ನು ನೋಡಿಕೊಂಡು ಅನೇಕ ವಿಚಾರ ವಿನಿಮಯಗಳನ್ನು ಮಾಡಿಕೊಂಡು ಒಂದೊಂದು ತಾಲ್ಲೂಕಿಗೆ ಒಂದೊಂದು ಮುನ್ಸೀಫ್ ಕೋರ್ಟನ್ನು ಕೊಡುತ್ತೇವೆಂದು ನಿರ್ದಿಷ್ಟವಾಗಿ ಇದರಲ್ಲಿ ಕಾಣಿಸಿದರೆ ಬಹಳ ಉತ್ತಮವೆಂದು ನನ್ನ ಅಭಿಪ್ರಾಯ. ಏಕೆಂದರೆ ಒಂದು ಉದಾಹರಣೆಯನ್ನು ಹೇಳುವುದಾದರೆ ಗುಲ್ಬರ್ಗಾ ಜಿಲ್ಲೆಯ ಎರಡು ದೊಡ್ಡ ತಾಲ್ಲೂಕುಗಳಲ್ಲಿ ಅಂದರೆ ಷಹಪೂರ್ ಷೋರಾಪೂರ್‌ಗಳಲ್ಲಿ ಸುಮಾರು 200-300 ಹಳ್ಳಿಗಳಿವೆ. ಸುಮಾರು ಒಂದು ಲಕ್ಷ 30 ಸಾವಿರ ಅಥವಾ 40 ಸಾವಿರ ನುನೆಗಳಿರಬಹುದು. ಈ ಎರಡು ತಾಲ್ಲೂಕುಗಳಿಗೆ ಅನ್ವಯವಾಗುವಂತೆ ಷಹಪೂರ್ ತಾಲ್ಲೂಕಿಗೆ ಒಂದು ಮುನ್ಸೀಫ್ ಕೋರ್ಟು ಮಾಡಿದ್ದಾರೆ. ಇದರಿಂದ ಬಹಳ ಲಿಟಿಗೇಷ್ಣ ಅಷ್ಟೇ ಅಲ್ಲ, ಅನೇಕ ಜನರಿಗೆ ಹೋಗಿಬರಲು ಆರ್ಥಿಕದೃಷ್ಟಿಯಲ್ಲಿ ತುಂಬಾ ಅನಾನುಕೂಲತೆ ಆಗುತ್ತದೆಂಬುದನ್ನು ನಾನು ತಮ್ಮ ಮುಂದೆ ತಿಳಿಸುತ್ತಿದ್ದೇನೆ. ಇದಲ್ಲದೆ ಈಗ 26ನೇ ಸೆಕ್ಷನ್ ಒಂದು ಇದೆ. ಅದು temporary vacancy of office of civil Judge or Munisiff ಐಟಂ. ಅದರಲ್ಲಿ ಈ ರೀತಿ ಹೇಳಿದೆ. In the event of death suspension, or temporary absence of any civil Judge or Munsiff, the District Judge may empower the Judge of any subordinate court in the district to perform such duties of such Civil Judge or Munsiff" ಎಂದಿದೆ. ಇದರಲ್ಲಿ ಸ್ವಲ್ಪ ತಿದ್ದುಪಡಿಯಾದರೆ ಎಲ್ಲರಿಗೂ ಒಳ್ಳೆಯದಾಗಬಹುದು. ಇಲ್ಲದಿದ್ದರೆ ಲಿಟಿಗೇಷನ್ನಿಗೆ ತೊಂದರೆಯಾಗಬಹುದು, ಇನ್ನೊಂದು ಕೋರ್ಟಿಗೆ ಹೋದರೂ ತೊಂದರೆಯಾಗಬಹುದು. ನಿರ್ದಿಷ್ಟವಾಗಿ ಇಂತಿಷ್ಟು ದಿನ ಟೆಂಪೊರರಿ ಆಫೀಸರ್ ಎಂದು ಇದ್ದರೆ ಒಳ್ಳೆಯದು. ಇಲ್ಲದಿದ್ದರೆ ಬೇರೆ ಟೆಂಪೊರರಿ ಮುನ್ಸೀಫ್ ಆವರನ್ನು ನೇಮಕ ಮಾಡತಕ್ಕ ವ್ಯವಸ್ಥೆ ಮಾಡುವ ವಿಷಯ ಅದರಲ್ಲಿ ಕಾಣಿಸಿದ್ದರೆ ಯೋಗ್ಯವೆಂದು ನಾನು ಹೇಳುತ್ತೇನೆ.

ಒಟ್ಟಿನಲ್ಲಿ ಇವತ್ತಿನ ದಿನಸ ಮಾನ್ಯ ಮಂತ್ರಿಗಳು ಇಡೀ ಸಂಸ್ಥಾನಕ್ಕೆಲ್ಲಾ ಒಂದು ಏಕರೂಪವಾದ ಶಾಸನವನ್ನು ಆನ್ವಯಿಸುವಂತೆ ಈ ಮಸೂದೆಯನ್ನು ಈ ಸಭೆಯಲ್ಲಿ ತಂದುದಕ್ಕಾಗಿ ಮಾನ್ಯ ಮಂತ್ರಿಗಳನ್ನು ಅಭಿನಂದಿಸಿ ನನ್ನ ಭಾಷಣವನ್ನು ಮುಗಿಸುತ್ತೇನೆ.

12-00 NOON

† Sri M. V. RAMA RAO.—Sir, as you have been pleased to inform the House, Government proposed to refer this Bill to a Joint Select Committee. Therefore, I do not propose to take much time to make a reply to the various points that have been raised by the Hon'ble Members who have anticipated in the debate on the motion for consideration of this Bill. But I must take this opportunity of saying that some of the apprehensions which have been expressed are not justified. We may ordinarily take it that, if a High Court makes a recommendation that a Munsiff's Court with ordinary pecuniary jurisdiction of Rs. 5000 is to be invested with jurisdiction upto Rs. 10,000, it should be depended upon to make such a recommendation only in suitable cases. At the same time, we must not ignore the fact that at present in certain areas of this State the Court corresponding to a Munsiff's Court under this Bill is in fact having pecuniary jurisdiction extending upto Rs. 10,000 and we cannot, as I said, also ignore the fact that at present there are courts corresponding to Munsiff's Courts under this Bill whose pecuniary jurisdiction is just Rs. 3,000 and so on and so forth. Therefore, while the Bill provides for making the pecuniary jurisdiction of Munisiffs' Court uniform in so far as it is possible, it also does provide for preserving the pecuniary jurisdiction in respect of certain courts upto Rs. 10,000, because we must remember that these courts have a background in relation to their establishment and functioning. The pecuniary jurisdiction and territorial jurisdiction of courts as such have to be determined with reference to various factors, every one of which would have to be considered not merely by the High Court but also by the Government. I, of course, concede that the Bill can be inproved here and there; I do not assert that it has reached a stage now when it is incapable of further improvement and I may assure that every suggestion that has been made by the Hon'ble Members who have particpated in the debate will be given due consideration when the provisions of the Bill be given due consideration in the Select Committee.

MR. SPEAKER.—The question is:

"That the Mysore Civil Courts Bill, 1962 be taken into consideration."

The motion was adopted.

Motion to refer to a Select Committee.

Sri M. V. RAMA RAO.—Sir, I move:

"That the Mysore Civil Courts Bill, 1962 be referred to a Joint Select Committee Cousisting of a total number of 20 members (15 from this House and 5 from the Legislative Council) that the concurrence of the Legislative Council be obtained therefor and that the following members of this House shall be members of the joint Select Committee, namely:

Sriyuths:

1. Angadi Channabasappa
2. B. L. Gowda
3. V. S. Patil
4. S. M. Krishna
5. Andanaiah
6. Y. Ramakrishna
7. K. Venkataramana Gowda
8. C. S. Hulkoti
9. B. Y. Neele Gowda
10. H. C. Boraiah
11. M. C. Badappa
12. Sirasappa Ijari
13. S. V. Patil
14. M. Ghouse Mohiuddin
15. C. M. Patel."